

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. 1:13-cr-00047
	)	
v.	)	Honorable Robert J. Jonker
	)	
RICHARD DAVID SMITH,	)	
	)	
Defendant.	)	
	)	

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**REPORT AND RECOMMENDATION**

This matter is before the court on the motion of defendant Richard David Smith to allow his counsel, Richard E. Zambon, to withdraw from representation of defendant (Dkt. 72). Although Attorney Zambon filed this motion at the request of defendant, he does not join in the motion and does not ask to withdraw. At the May 20, 2014 hearing, defendant stated that he wanted to represent himself in this matter.

The Sixth Amendment provides to any accused person facing possible incarceration the right to counsel at all critical stages of the criminal process. *Iowa v. Tovar*, 541 U.S. 77 (2004). It is just as well settled, however, that a defendant also has the right to “proceed without counsel when he voluntarily and intelligently elects to do so.” *Faretta v. California*, 422 U.S. 806, 807 (1975). I advised defendant of the difficulties of proceeding without counsel and questioned him regarding his experience and qualifications to represent himself. I also strongly urged defendant to reconsider and to allow Attorney Zambon to continue representing him.

Defendant reiterated his desire to represent himself and his certainty that he could represent himself adequately. I recommend, therefore, that defendant Richard David Smith's motion to allow his counsel, Richard E. Zambon, to withdraw (Dkt. 72) be granted and that defendant be allowed to proceed pro se in this matter, with Richard E. Zambon as standby counsel.

Date: May 20, 2014

/s/ Timothy P. Greeley  
TIMOTHY P. GREELEY  
United States Magistrate Judge

**NOTICE TO PARTIES**

You have the right to review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than 14 days after the filing of this Report and Recommendation.